



12-29-04

JFW

Docket No.: 49784DIV(71417)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kenneth Walsh

Application No.: 10/713,678

Confirmation No.: 2909

Filed: November 14, 2003

Art Unit: 1614

For: HMG CoA REDUCTASE INHIBITORS
FOR PROMOTING ANGIOGENESIS

Examiner: Not Yet Assigned

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EXPRESS MAIL

I, Patricia A. Barnes, hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office To Addressee" service, Label No. EV517915995US in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on December 21, 2004.

Patricia A. Barnes
Patricia A. Barnes

INFORMATION DISCLOSURE STATEMENT (IDS)

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

References listed on PTO-1449 Sheets 1 thru 4 were considered in the parent case and copies are not enclosed with this submission. If the Examiner requires another copy of any of the references, the undersigned will promptly provide them on request.

Copies of references CA and CB listed on the PTO/SB/08 are attached.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 49784DIV(71417). A duplicate copy of this paper is enclosed.

Dated: December 21, 2004

Respectfully submitted,

By _____

Robert L. Buchanan

Registration No.: 40,927

EDWARDS & ANGELL, LLP

P.O. Box 55874

Boston, Massachusetts 02205

(617) 439-4444

Attorney for Applicant



Application No. (if known): 10/713,678

Attorney Docket No.: 49784DIV(71417)

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV517915995US in an envelope addressed to:

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on December 21, 2004
Date

Patricia Barnes

Signature

Patricia Barnes

Typed or printed name of person signing Certificate

Registration Number, if applicable

(617) 439-4444
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

IDS (Citation) by Applicant (2 References) (1 page); copies of 2 ref.
Information Disclosure Statement (2 pages)
Copies of PTO Sheets 1-4 (from parent case)



PTO/SB/08a/b (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO				Complete If Known	
				Application Number	10/713,678-Conf. #2909
				Filing Date	November 14, 2003
				First Named Inventor	Kenneth Walsh
				Art Unit	1614
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	49784DIV(71417)

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			
					T ⁶

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T ²
	CA	Y. Fugio, et al. "Akt Mediates Cytoprotection Of Endothelial Cells By Vascular Endothelial Growth Factor In An Anchorage-Dependent Manner", J. Biological Chemistry, Vol. 274, No. 23, June 4, 1999, pp. 16349-16354.			
	CB	C. Michael White "Pharmacological Effects of HMG CoA Reductase Inhibitors Other Than Lipoprotein Modulation", J. of Clinical Pharmacology, Vol. 39, No. 2, Feb. 1999, pp. 111-118.			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
--------------------	--	-----------------	--



FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT		DOCKET NO.: 49784-DIV APPLICANT(S): Kenneth Walsh FILING DATE: Nov. 14, 2003	SERIAL NO.: 10/713,678 (71417)
GROUP NO.: 1614			

UNITED STATES PATENT DOCUMENTS

EXAM. INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	4,976,967	12/11/90	McClelland et al.	424	473	
	AB	5,376,383	12/27/94	Alberts et al.	424	473	
	AC	5,622,985	4/22/97	Olukotun et al.	514	423	
	AD	5,674,893	10/7/97	Behounek et al.	514	451	
	AE	5,902,805	5/11/99	Breton et al.	514	159	
	AF	6,040,157	3/21/00	Hu et al.	435	69.4	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO
	AG	WO 99/18952	4/22/99	WIPO			Yes
	AH	WO 00/20025	4/13/00	WIPO			Yes
							Yes

OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)

	AI	Search results from the USPTO Patent Bibliographic Database
	AJ	Search results from Biosis, Medline, Chem Abstracts, Derwent Biotech
	AK	Search results from Medline, EMBASE, Derwent Biotech, FEDRIP, ChemEng, CA Search
	AL	Search results from US Patent, US Claims & Abstracts, World Patent Index, Japio, Chinese Abstracts, EPO Fulltext
	AM	Search results from US Patents Fulltext, EPO Fulltext
	AN	Search results from US Fulltext, US Claims, World Patent Index, EPO Fulltext, Japio, Chinese Abstract
	AO	Search results from European Patents

Examiner:	Date:
-----------	-------

FORM PTO-1449		DOCKET: 49784-DIV (71417)	SERIAL NO.: 10/713,678
INFORMATION DISCLOSURE STATEMENT		APPLICANT(S): Kenneth Walsh	
		FILING DATE: Nov. 14, 2003	GROUP NO.: 1614

UNITED STATES PATENT DOCUMENTS

EXAM. INITIALS		DOCUMENT NUMBER	DATE	INVENTOR/ASSIGNEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
AA		RE 36,520	01/18/2000	R. L. Smith, et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO
	BA	WO 97/18303	22/05/1997	Europe			

OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)

	CA	Notification of Transmittal of the International Search Report or the Declaration for PCt/US01/18175

EXAMINER:	DATE:
-----------	-------

Information Disclosure Statement PTO - 1449	Attny. Docket No. 49784-DIV (71417)	Serial No.: 10/713,678
	Applicant(s): Kenneth Walsh	
	Filing Date Nov. 14, 2003	Art Unit ±6±4

UNITED STATES PATENT DOCUMENTS

Exam. Initials	Ref. No.	Document Number	Date	Name	Class	File Date
	AA	5,968,983	10/19/1999	Kaesemeyer	514/564	04/10/97

FOREIGN PATENT DOCUMENTS

Exam. Initials	Ref. No.	Document Number	Date	Country or Office	Class	
	BA	WO 99/30704	24 June 1999	PCT		

OTHER DOCUMENTS (INCL. TITLE, AUTHOR, DATE, PAGES, ETC)

Exam. Initials	Ref. No.	
	CA	Y. Kureishi, et al., "The HMH-CoA Reductase inhibitor simvastatin activates the protein kinase Akt and promotes angiogenesis in normocholesterolemic animals." <i>Nature Medicine</i> Vol. 6: No. 8, pp 1004-1010 September 2000.
	CB	International Search Report for PCT/US01/18175

Examiner:

Date:

FORM PTO-1449		DOCKET NO: 49784-DIV (71417)	SERIAL NO.: 10/713,678	
INFORMATION DISCLOSURE STATEMENT		APPLICANT: K. Walsh		
		FILING DATE: Nov. 14, 2003	GROUP NO. 1614	

UNITED STATES PATENT DOCUMENTS

EXAM. INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIAT

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO

OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)

	C1	Sata, et al., "Statins Augment Collateral Growth in Response to Ischemia, but They Do Not Promote the Development of Cancer and Atherosclerosis", Circulation 106: II-238. 2002.
	C2	Kureishi et al., "The HMG-CoA reductase inhibitor simvastatin activates the protein kinase Akt and promotes angiogenesis in normocholesterolemic animals," Nat Med 6:1004-1010, 2000.
	C3	Brouet A., et al., "Hsp90 and caveolin are key targets for the proangiogenic nitric oxide-mediated effects of statins", Circ Res. 89: 866-873, 2001.
	C4	Llevadot et al., "HMG-CoA reductase inhibitor mobilizes bone-marrow derived endothelial progenitor cells", J. Clin. Invest. 108: 399-405, 2001.
	C5	Dimmeler, et al., "HMG-CoA-reductase inhibitors (statins) increase endothelial progenitor cells via the PI 3-kinase/Akt pathway", J. Clin. Invest. 108: 391-397, 2001.
	C6	Vasa, et al., "Increase in Circulating Endothelial Progenitor Cells by Statin Therapy in Patients With Stable Coronary Artery Disease", Circulation. 2001; 103-2885.

EXAMINER:

DATE: